1A Nolte Family Trust dated 5/20/1999

- Case No. 13CEPR00264
- Atty Georgeson, C. Russell; Noyes, Christopher B.; of Georgeson, Belardinelli & Noyes (for Petitioner Edmund Nolte, Jr.)
- Atty Sullivan, Jr., Robert L.; Emerzian, David; of McCormick Barstow (for Respondent Marjorie A. Nolte, Trustee)

Petition for Recovery of Trust Property and Account

	Petition for Recovery of Trust Property and A	ACCOUNT
Edmund Sr. DOD:	EDMUND V. NOLTE, JR., son and Trust	NEEDS/PROBLEMS/COMMENTS:
12/13/2006	Beneficiary, is Petitioner.	
Rosetta DOD:	Petitioner states:	Page 1B is Petitioner's Motion for
5/7/2009	MARJORIE A. NOLTE is the duly appointed	Order Compelling Respondent
	and acting Trustee of the NOLTE FAMILY	Marjorie Nolte to Provide Further
	TRUST dated 5/20/1999;	Responses to Request for
Cont. from 051513,	 The Trust that is the subject of this Petition 	Production of Documents.
052013, 062013,	was created pursuant to a written	rrodochorror bocomenis.
112213	Declaration of Trust subsequently modified	Page 1C is the Status Hearing.
Aff.Sub.W.	and restated pursuant to a document	is the grates the anning.
√ Verified	entitled "Resignation of Trustees and	Continued from 11/22/2013
Inventory	Agreement Modifying and Restating the	[Judge Hamilton]. Minute Order
PTC	Nolte Family Trust" of EDMUND V. NOLTE, SR .,	states Mr. Emerzian is appearing
Not.Cred.	and ROSETTA M. NOLTE, deceased (copy	via CourtCall. Matter continued
✓ Notc Non-jud.	attached as Exhibit A);	to 1/24/2014 for the Court's ruling
of Hrg council	 As set forth in the Trust, upon the death of 	on [Page 1B, Petitioner's Motion
✓ Aff.Mail W/	the surviving Trustor, Rosetta, the Trustee was	for Order Compelling
Aff.Pub.	directed to distribute the assets of the Trust	Respondent Marjorie Nolte to
Sp.Ntc.	instrument in equal shares to ERNEST	Provide Further Responses.]
Pers.Serv.	RICHARD NOLTE, son, and the Petitioner;	
Conf.	The Trustee has violated the duty owed to	Note for background: Minute
Screen	Petitioner as beneficiary in that she has	Order dated 6/20/2013 states Mr.
Letters	failed and refused to administer the trust	Noyes requests the matter be set
Duties/S	property according to the trust instrument, and in particular, has failed and refused to	for trial. Matter is set for Court Trial on <u>3/11/2014</u> with a three-
Objection	distribute half of the assets of the trust	day estimate.
Video	instrument to Petitioner;	,
Receipt	Marjorie A. Nolte, as Trustee, has failed and	
CI Report	refused to provide an account of the Trust	
9202	at any time;	
Order X	On 1/17/2013, Petitioner, through his	
Aff. Post	counsel, delivered to the Trustee a written	Reviewed by: LEG
Status Rpt	request for an accounting of her acts as	Reviewed on: 1/23/14
UCCJEA	Trustee (copy of request attached as Exhibit	Updates:
Citation	B); the Trustee has failed to provide the	Recommendation:
FTB Notice	requested account.	File 1A – Nolte
	~Please see additional page~	
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Petitioner prays for an Order:

- 1. Compelling Marjorie A. Nolte, as Trustee, to submit her accounting of her acts as Trustee since 5/7/2009 through present;
- 2. Compelling Marjorie A. Nolte to redress the breach of trust described in the *Petition* by distributing half of the assets of the Trust to Petitioner; and
- 3. For costs.

Reply to Petition for Recovery of Trust Property and Account filed by MARJORIE A. NOLTE on 5/13/2013 states:

- Edmund V. Nolte, Sr. and Rosetta M. Nolte originally established the NOLTE FAMILY TRUST by Declaration
 of Trust dated 5/20/1999; the Trust was amended and restated in its entirety by Resignation of Trustees
 and Agreement Modifying and Restating the Nolte Family Trust dated 11/7/2005 (copy attached as
 Exhibit A);
- When the Trust was initially established, the Trust was funded with only two assets: (a) a parcel of commercial property located on Marks Ave. in Fresno; and (b) a residence located at Windsor Blvd. in Cambria;
- On 10/28/2005, shortly before the Resignation and Restatement was executed, the commercial property
 was sold by the Trust and the net proceeds from the sale of the commercial property were deposited
 into a joint bank account established on 6/28/2005 by the Trustors in the joint names of Edmund V. Nolte,
 Sr., Rosetta M. Nolte, and their granddaughter, NATALIE NOLTE;
- On 11/7/2005, following the sale of the commercial property, Mr. and Mrs. Nolte executed the Resignation of Trustees, by which, among other things, they resigned as Trustees of the Trust and appointed their daughter-in-law, Marjorie (Respondent), as Trustee of the Trust; when Respondent became Trustee of the Trust on 11/7/2005, the only remaining asset of the Trust was the Cambria residence; at the time of death of the last surviving Trustor (Rosetta), the Trust became irrevocable and the Cambria residence remained the only asset of the Trust;
- On 9/2/2010, Respondent as Trustee of the Trust caused the Cambria residence to be distributed to the two beneficiaries of the Trust by execution of Grant Deed to Ernest Richard Nolte and Edmund V. Nolte, Jr., in equal shares as tenants in common (copy of Grant Deed attached as Exhibit B);
- By making final distribution of the Cambria residence, Respondent completed her duties and responsibilities as Trustee of the Trust;
- Petitioner alleges that Respondent "...has failed and refused to administer the trust property according to the trust instrument, and in particular, has failed and refused to distribute half of the assets of the trust instrument to Petitioner." This allegation is false, for indeed on 9/2/1010, the Respondent did in fact cause all of the assets of the Trust to be distributed to the Trust's beneficiaries;
- Petitioner alleges that Respondent "...has failed and refused to provide an account of the above-described trust at any time." Once again, this allegation is false; in a telephone conversation with Petitioner's counsel on 2/11/2012, Respondent's counsel advised Petitioner's counsel that there was only one asset of the Trust (the Cambria residence); that the residence had been distributed to the Trust's beneficiaries in 2010; and that under these circumstances it would seem a waste of time and money to prepare an accounting which merely showed the distribution in kind of the sole asset of the Trust; at no time did either Respondent or her counsel refuse to provide an accounting;

~Please see additional page~

Second Additional Page 1A, Nolte Family Trust dated 5/20/1999 Case No. 13CEPR00264

Reply to Petition filed 5/13/2013 by MARJORIE A. NOLTE, continued:

 As demanded in the Petition, Respondent has prepared an accounting of the administration of the Trust from 5/7/2009 through 3/31/2013 (copy attached as Exhibit C); Exhibit C, First and Final Account of Trustee, Marjorie A. Nolte, Covering the Period from 5/7/2009 To and Including 9/2/2010, shows the following:

Accounting - \$850,000.00

Beginning POH - \$850,000.00

Ending POH - \$0.00*

*Schedule G, Deductions from Account / Distributions states: Pursuant to Article Fourth, Section D, Subsection 4 and Article Fourth, Section F, Subsection 2 of the foregoing Trust, distribution of residential real estate in Cambria, CA [legal description omitted] to ERNEST RICHARD NOLTE and EDMUND V. NOLTE, JR., each as to an undivided ½ interest as tenants in common, Appraised value -- \$850,000.00.

• In connection with the accounting, Petitioner caused the Cambria residence to be appraised as of 5/7/2009 [Rosetta's date of death, showing a value of **\$850,000.00**] by the San Luis Obispo County Probate Referee (copy of the Appraisal Report attached as Exhibit D).

Respondent prays for an Order:

- 1. Denying any and all of the relief sought in the Petition;
- 2. Allowing and approving the account of Trustee which is attached as Exhibit C; and
- 3. Determining that by and upon distribution of the Cambria residence to the Trust's beneficiaries, the Respondent completed and fully performed all of her duties as Trustee of the Trust.

Status Report filed by Attorney Sullivan for Marjorie A. Nolte, Trustee, on 6/17/2013 states:

- At the 5/20/2013 hearing on the Petition for Recovery of Trust Property and Account, and in response to the question of the Court, Mr. Noyes advised the Court that he wished to proceed with discovery in this matter; to set a mandatory settlement conference; and to have the matter set for trial; Mr. Sullivan advised the Court that Mr. Noyes had represented that he had specific information concerning various accounts of the Trust, but that he had declined to provide them to Mr. Sullivan; the Court ordered that a status conference be set on 6/20/2013; that no discovery proceed until after the status conference; and that Mr. Noyes should provide to Mr. Sullivan the information in his possession concerning accounts held in the name of the Trust;
- On 5/23/2013, Mr. Noyes provided to Mr. Sullivan 112 pages of documents consisting of current and
 previous estate planning documents of Edmund V. Nolte, Sr., and Rosetta M. Nolte; the only documents
 delivered which referred to Trust account information at issue were [9 specific pages, copies attached
 as Exhibits A, B and C];

~Please see additional page~

Status Report filed by Attorney Sullivan for Marjorie A. Nolte, Trustee, on 6/17/2013, continued:

- Respondent and her attorney have reviewed the foregoing information and other account information in the possession of the Respondent, and report to the Court as follows:
 - 1. Exhibits A and B disclose 3 Mid-State Bank [located in Cambria] accounts [numbers omitted] standing in the name of Edmund V. Nolte, Sr., and Rosetta M. Nolte in May of 1999, the month in which the Trust was originally established;
 - 2. Exhibit C makes reference to 2 Mid-State Bank accounts [numbers omitted] standing in the name of the Trust in March of 2005;
- Respondent was not involved with the Trust in 1999, as she did not become Trustee of the Nolte Family Trust until 11/7/2005, and accordingly, she has no specific knowledge of the disposition of the 3 accounts referenced in Exhibits A and B; however, it appears that the 2006 checking and savings accounts referenced in Exhibit C were merely renumbering of the 1999 accounts referred to in Exhibits A and B in order to reflect the retitling of those accounts in the name of the Nolte Family Trust; the Respondent has no knowledge as to the disposition of the 1999 Certificate of Deposit [number omitted];
- At the time the Trust was amended and restated in its entirely on 11/7/2005, the Trust's Mid-State Bank checking and savings accounts continued in existence; both of these accounts were actively used by Edmund V. Nolte, Sr., and Rosetta M. Nolte as Trustees of the Nolte Family Trust from the establishment of the Trust in 1999 until 11/7/2005 when Mr. and Mrs. Nolte restated the Trust, resigned as Co-Trustees and appointed Respondent as Trustee of the Trust;
- Prior to amending and restating the Trust and resigning as Trustee, Mr. and Mrs. Nolte established a joint bank account at Union Bank, not in the name of the Trust but in the name of Edmund V. Nolte, Sr., and Rosetta M. Nolte, and their granddaughter, NATALIE NOLTE ("Joint Tenancy Account"); after 2005, the Joint Tenancy Account was the primary account used for the payment of Mr. and Mrs. Nolte's bills and living expenses;
- The Mid-State Bank checking account remained in existence until 5/4/2006, on which date the Respondent instructed Mid-State Bank to close the account by fax transmittal dated 5/4/2006 (copy attached as Exhibit D); bank statement for that account dated 5/5/2006 (copy attached as Exhibit E), indicates a balance of \$17.78, and after applying an account closing charge of \$2.83, the bank issued a check for \$14.95, thereby closing the account; Respondent has no recollection of the disposition of the \$14.95 check;
- The Mid-State Bank savings account remained in existence until March of 2008, and the 3/31/2008 statement for the account (copy attached as Exhibit F) indicates a closing balance of \$1,312.91, and this is the last statement for this account in the Respondent's possession; on 5/6/2009, this account was closed by issuance of a cashier's check for \$1,314.19 (copy attached as Exhibit G), which was deposited into the Joint Tenancy Account on 5/6/2009 by Respondent because this was the account used for the care and benefit of Mr. and Mrs. Nolte during their lifetimes; however, Respondent how realizes the check should not have been deposited into the Joint Tenancy Account in 2009 for the reason that both Mr. and Mrs. Nolte were then deceased, and the beneficiaries of the Trust were not the beneficiaries of the Joint Tenancy Account; had the funds been held in a trust account, they would nevertheless have not been available for distribution to the beneficiaries of the Trust, for the reason that the expenses of administration of the Trust, including preparation of the Trustee's accounting, far exceeded the \$1,314.19 amount of funds in auestion:

~Please see additional page~

Status Report filed by Attorney Sullivan for Marjorie A. Nolte, Trustee, on 6/17/2013, continued:

- To the best of Respondent's knowledge, the bank accounts referred to in this *Status Report* are the **ONLY** [emphasis in original] accounts in which Edmund V. Nolte, Sr., and Rosetta M. Nolte ever held any interest, either individually or through the Trust; the Mid-State Bank accounts referred to in *Exhibit C* are the only bank accounts which ever came into the Trustee's possession and control;
- Accordingly, as fully set forth in Respondent's *Reply* filed 5/13/2013, the only remaining asset of the Trust on the date of Rosetta M. Nolte's death on 5/7/2009 was the Cambria Residence, which was distributed to the beneficiaries of the Trust on 9/2/2010, by reason of which there are no remaining assets in the Trust.

Respondent requests the Court grant the relief set forth in her Reply by entering an Order as follows:

- 1. Denying any and all relief sought in the Petition;
- 2. Allowing and approving the account of the Trustee filed 5/13/2013; and
- 3. Determining that upon distribution of the Cambria Residence to the Trust's beneficiaries, the Respondent completed and fully performed all of her duties as Trustee of the Trust.

- Atty Georgeson, C. Russell; Noyes, Christopher B.; of Georgeson, Belardinelli & Noyes (for Petitioner Edmund Nolte, Jr.)
- Atty Sullivan, Jr., Robert L.; Emerzian, David; of McCormick Barstow (for Respondent Marjorie A. Nolte, Trustee)

Petitioner's Notice of Motion for Order Compelling Respondent Marjorie Nolte to Provide Further Responses to Request for Production of Documents, Set No. 1 and for an award of Monetary Sanctions

Lea.	mund Sr. DOD.		EDAMIND V NOITE ID and and Trust Denoficiary is	NEEDS / DRODI EAAS /
Edmund Sr. DOD: 12/13/2006			EDMUND V. NOLTE, JR. , son and Trust Beneficiary, is Movant.	NEEDS/PROBLEMS/ COMMENTS:
Rosetta DOD: 5/7/2009		2000	Movarii.	COMMENTS.
KO:	selia DOD. 3/1/2	2007	Movant moves the Court for an order compelling	
				Continued from
			Respondent MARJORIE A. NOLTE, Trustee, to	<u>11/22/2013</u> [Judge
11	ont. from 1029	13,	provide further responsive documents pursuant to	Hamilton]. Minute Order
112	2213	T	Code of Civil Procedure § 2031.310; Motion is	states Mr. Emerzian is
	Aff.Sub.Wit.		made on the grounds that the discovery sought is	appearing via CourtCall.
	Verified	N/A	relevant to the subject matter of the action, is	Matter continued to
	Inventory		reasonably calculated to lead to the discovery of	1/24/2014 for the Court's
	PTC		admissible evidence, and is relevant to assist	ruling.
	Not.Cred.		Movant in evaluating his case, preparing for trial,	
	Notice of	<u> </u>	and evaluating settlement.	
	Hrg			
1	Aff.Mail	W/	Movant states Respondent has refused to meet	
Ľ			her statutory obligations relative to Movant's	
	Aff.Pub.		request for Production of Documents No.'s 1 – 32	
	Sp.Ntc.		by including irrelevant objections, failing to	
	Pers.Serv.		provide complete responses, and failing to	
	Conf.		produce all responsive documents.	
	Screen		produce dil 163porisire documents.	
	Letters		Movent also sooks a manatany sanation pursuant	
	Duties/Supp		Movant also seeks a monetary sanction pursuant	
	Objections		to Code of Civil Procedure §§ 2013.310(h),	
	Video	<u> </u>	2023.101, and 2023.030(a), and CA Rule of Court	
	Receipt		3.1348 against Respondent and her attorneys of	
	CI Report	Ì	record, in the amount of \$1,560.00, representative	
	9202		of the reasonable amount of expenses and	
	Order		attorney's fees incurred by Petitioner in	
	Aff. Posting		connection with making this motion.	Reviewed by: LEG
	Status Rpt			Reviewed by: LLO
	UCCJEA		~Please see additional page~	Updates:
	Citation	 		Recommendation:
	FTB Notice			File 1B - Nolte
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Additional Page 1B, Nolte Family Trust dated 5/20/1999 Case No. 13CEPR00264

Edmund Noltes' Motion for Order Compelling Respondent Marjorie Nolte to Provide Further Responses to Request for Production of Documents filed 9/25/2013, continued:

Motion is based on the following:

- The **Notice of Motion**;
- Memorandum of Points and Authorities in Support of Petitioner's Motion for Order Compelling Respondent Marjorie Nolte to Provide Further Responses to Request for Production of Documents, Set No. 1 and for an Award of Monetary Sanctions filed 9/25/2013;
- Declaration of Christopher B. Noyes in Support of Motion for Order Compelling Respondent Marjorie Nolte to Provide Further Responses to Request for Production of Documents, Set No. 1 and for an Award of Monetary Sanctions filed 9/25/2013;
- Separate Statement in Support of Petitioner's Motion for Order Compelling Respondent Marjorie Nolte to Provide Further Responses to Request for Production of Documents, Set No. 1 filed 9/25/2013;
- Petitioner's Request for Judicial Notice in Support of Petitioner's Motion for Order Compelling Respondent Marjorie Nolte to Provide Further Responses to Request for Production of Documents, Set No. 1 and for an Award of Monetary Sanctions filed 9/25/2013;
- The Court's record and files in this action; and
- Upon such other materials as may be presented prior to the Court's ruling on this Motion.

<u>Trustee Marjorie A. Nolte's Separate Statement in Response</u> to Petitioner's Motion for Order Compelling Respondent Marjorie Nolte to Provide Further Responses to Request for Production of Documents, Set No. 1 was filed 10/17/2013.

Declaration of David L. Emerzian in Support of Opposition to Motion for Order Compelling Respondent Marjorie Nolte to Provide Further Responses to Request for Production of Documents, Set No. 1 and for an Award of Monetary Sanctions was filed 10/17/2013.

Request for Judicial Notice in Support of Opposition to Motion for Order Compelling Respondent Marjorie Nolte to Provide Further Responses to Request for Production of Documents, Set No. 1 and for an Award of Monetary Sanctions was filed 10/17/2013.

Memorandum of Points and Authorities in Support of Opposition to Motion for Order Compelling Respondent Marjorie Nolte to Provide Further Responses to Request for Production of Documents, Set No. 1 and for an Award of Monetary Sanctions was filed 10/17/2013.

Reply [of Edmund V. Nolte, Jr.] in Support of Petitioner's Motion for Order Compelling Respondent Marjorie Nolte to Provide Further Responses to Request for Production of Documents, Set No. 1 and for an Award of Monetary Sanctions was filed 10/22/2013.

- Atty Georgeson, C. Russell; Noyes, Christopher B.; of Georgeson, Belardinelli & Noyes (for Petitioner Edmund Nolte, Jr.)
- Atty Sullivan, Jr., Robert L.; Emerzian, David; of McCormick Barstow (for Respondent Marjorie A. Nolte, Trustee)

Status Hearing

			•	
	mund Sr. DOD: 13/2006		EDMUND V. NOLTE, JR. , son and Trust Beneficiary, filed a Petition for Recovery of Trust Property and Account on	NEEDS/PROBLEMS/ COMMENTS:
Rosetta DOD:			3/29/2013.	
	7/2009		0/2//20101	Continued from
-	7_001		MADIODIE A NOITE Truston of the NOITE FAMILY TOUCT	11/22/2013 [Judge
			MARJORIE A. NOLTE, Trustee of the NOLTE FAMILY TRUST	Hamilton]. Minute
			dated 5/20/1999, filed a Trustee's Reply to Petition for	-
Со	nt. from 11221	3	Recovery of Trust Property and Account on 5/13/2013.	<i>Order</i> states Mr. Emerzian is
	Aff.Sub.Wit.		Minute Order dated 6/20/2013 from the hearing on the	appearing via
	Verified	Χ	Petition for Recovery states Mr. Noyes requests the	CourtCall. Matter
	Inventory		matter be set for trial. Matter is set for Court Trial on	continued to
	PTC		3/11/2014 with a three-day estimate. The Court sets a	1/24/2014 for the
	Not.Cred.		status hearing for 11/22/2013 and directs both counsel to	Court's ruling on
			file their status reports by 11/15/2013. Counsel is advised	[Page 1B,
	Notice of		that the scheduling of a settlement conference will be	Petitioner's Motion
	Hrg		addressed at the 11/22/2013 hearing.	for Order
✓	Aff.Mail	W /	EDMUND V. NOLTE, JR., filed a Motion for Order	Compelling Respondent
	Aff.Pub.		Compelling Respondent Marjorie Nolte to Provide Further	Marjorie Nolte to
			Responses to Request for Production of Documents, Set	,
	Sp.Ntc.		No. 1 and for an award of Monetary Sanctions on	Provide Further
	Pers.Serv.		9/25/2013.	Responses.]
	Conf.		7720720101	
	Screen		MARJORIE A. NOLTE filed a Separate Statement in	
	Letters		Response to Petitioner's Motion for Order Compelling	
	Duties/Supp		Respondent Marjorie Nolte to Provide Further Responses	
	Objections		to Request for Production of Documents, Set No. 1 on	
	Video		·	
	Receipt		10/17/2013.	
	-		Minute Order dated 10/29/2013 from the hearing on the	
I	CI Report		_	
<u> </u>	9202		Motion for Order Compelling Responses continued the	
	Order		matter to 11/22/2013.	
	Aff. Posting		~Please see additional page~	Reviewed by: LEG
✓	Status Rpt		-rieuse see addilional page-	Reviewed on: 1/23/14
	UCCJEA			Updates:
	Citation			Recommendation:
	FTB Notice			File 1C - Nolte
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Additional Page 1C, Nolte Family Trust

Case No. 13CEPR00264

Petitioner EDMUND V. NOLTE, JR.'S Status Report filed by Attorney Christopher Noyes on 11/14/2013 states:

- On 5/22/2013, Petitioner voluntarily produced 122 documents in his possession to Respondent;
- On 6/4/2013, Petitioner served a Request for Production of Documents, Set No. One to Respondent;
- On 8/9/2013, Respondent served her responses to Petitioner's Request for Production of Documents, Set No. One;
- Respondent produced 31 documents, served objections and refused to produce all responsive documents in response to the discovery;
- On 9/25/2013, Petitioner filed a Motion for Order Compelling Responses to Provide Further Responses and for an Award of Monetary Sanctions;
- The Court has yet to rule on Petitioner's Motion;
- Trial is set to commence on 3/11/2014 with an estimated 3 days of trial;
- Except for Petitioner's discovery motion, there are no other pending issues before the Court.

2

Donaldson, Larry A. (for Marie E. Donaldson and Maynard E. Goins – Executors)

Probate Status Hearing Re: Failure to Submit Final Order

DOD: 2-28-06	Marie E. Donaldson and Maynard E. Goins, Co- Executors, filed a "First and Final Accounting" on	NEEDS/PROBLEMS/COMMENTS:
	3-29-12 that was set for hearing on 5-9-12.	Continued from 11-15-13
Cont. from 111513	For hearing on 5-9-12 , Examiner Notes indicated a number of issues, including:	Minute Order 11-15-13: Counsel is directed to submit a new
Aff.Sub.Wit.	That the document filed was not a proper	order.
Verified	accounting in compliance with Probate	As of 1-22-14, nothing further
Inventory	Code, and further that no waivers of account had been filed;	<u>has been submitted.</u>
PTC	·	1. Need final order.
Not.Cred.	 That the estate had already been distributed in violation of Probate Code §§ 11620, 11640, 	
Notice of	Cal. Rules of Court 7.651;	
Hrg	That it was not known if the appropriate	
Aff.Mail	actions were taken with regard to notice to	
Aff.Pub.	creditors, agencies, etc., as required by law	
Sp.Ntc.	(the petition did not allege that any notice	
Pers.Serv.	had occurred and no proof of service of	
Conf.	notice of hearing was filed);	
Screen	That the document was only verified by one	
Letters	of the two petitioners and notice of hearing had not been served on the other;	
Duties/Supp Objections	,	
Video	 That an "Ex Parte Petition for Final Discharge and Order" had been submitted 	
Receipt	prematurely, as the co-executors cannot be	
CI Report	discharged until the estate is closed pursuant	
9202	to applicable law.	
Order	Minute Order from hearing on 5-9-12 states: The	
Aff. Posting	Court accepts counsel's representation and	Reviewed by: skc
Status Rpt	grants the petition. Order to be signed upon	Reviewed on: 1-22-14
UCCJEA	receipt of waivers.	Updates:
Citation	On 5-18-12, a "Waiver of Notice of Proposed	Recommendation:
FTB Notice	Action" was filed; however, this does not appear to be an applicable form, and no proposed final order settling the estate was submitted.	File 2 – Goins
	Examiner sent email and fax to Attorney Donaldson on 5-30-12 and again on 1-10-13.	
	On 7-2-12, Mr. Donaldson appeared at the counter and stated he would submit an order; however, no order was submitted.	
	At this time, a final order settling the estate is necessary based on the minute order of 5-9-12.	

Ida Sue Blankenship (Estate)
Franco, Paul C. (for Deborah Kamine – Executor)
Status Hearing Re: Filing of Petition for Distribution

DOD: 01/17/11	DEBORAH KAMINE, daughter, was	NEEDS/PROBLEMS/COMMENTS:
	appointed Executor with full IAEA	
	authority and without bond on	Need Account/Report of Sugartage Making of
	05/12/11. Letter Testamentary were issued on 05/12/11.	Executor on Waiver of Account and Petition for
Cont. from	133060 011 03/12/11.	Distribution <u>or</u> verified status
Aff.Sub.Wit.	Inventory & Appraisal, final, filed	report.
Verified	10/11/13 - \$198,712.13	
Inventory	Minute Order from status hearing on	
PTC	10/25/13 set this matter for status	
Not.Cred.	regarding filing the Account/Report of	
Notice of	Executor on Waiver of Account and	
Hrg	Petition for Distribution.	
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf.		
Screen		
Letters		
Duties/Supp		
Objections		
Video		
Receipt		
CI Report		
9202		
Order		
Aff. Posting		Reviewed by: JF
Status Rpt		Reviewed on: 01/21/14
UCCJEA	_	Updates:
Citation		Recommendation:
FTB Notice		File 3 – Blankenship

4

Jambeck, Jay T (for Edward J. Crable, Jr.)

Probate Status Hearing Re: Filing of First Account

	EDWARD J. CRABLE, through his	NEEDS/PROBLEMS/COMMENTS:
	parents, Mark Crable and Patricia	
	Crable filed a petition to approve a	Continued from 12/6/13. Minute order
	Special Needs Trust for the benefit of	states the court notes that Jay Jambeck
Cont. from 120613	Edward J. Crable.	failed to appear notwithstanding the
Aff.Sub.Wit.		notice that was sent to him on 5/2/13.
	Order approving the Edward J.	The Court orders that Jay Jambeck to
Verified	Crable Special Needs Trust and appointing Patricia Crable as Trustee	be personally present on 1/24/14 or appear by CourtCall if the first account
Inventory	with bond of \$11,000.00 was signed	is not filed by the next hearing.
PTC	on 9/25/12.	is not filed by the flexi fleding.
Not.Cred.		1. Need first account or current written
Notice of	Bond of \$11,000.00 was filed on	status report pursuant to Local Rule
Hrg	12/3/12.	7.5 which states in all matters set for
Aff.Mail		status hearing verified status reports
Aff.Pub.		must be filed no later than 10 days
Sp.Ntc.	Notice of Status Hearing for the filing of the First Account was mailed to	before the hearing. Status Reports must comply with the applicable
Pers.Serv.	attorney Jay T. Jambeck on 5/2/13.	code requirements. Notice of the
Conf.		status hearing, together with a copy
Screen		of the Status Report shall be served
Letters		on all necessary parties.
Duties/Supp		
Objections		
Video		
Receipt		
CI Report		
9202		
Order		
Aff. Posting		Reviewed by: KT
Status Rpt		Reviewed on: 1/22/14
UCCJEA		Updates:
Citation		Recommendation:
FTB Notice		File 4 - Crable

5

Atty

Status Hearing Re: Status Report on Receipt of Assets into the Special Needs Trust; and/or Filing of the First Account of the Special Needs Trust

		The Order establishing the JENNIFER	NEEDS/PROBLEMS/COMMENTS:
Co	ont. from 122013 Aff.Sub.Wit.	ROBERTS SPECIAL NEEDS TRUST was filed 11/05/12 after a hearing on 10/31/13 in which the Court approved the establishment of the Trust. The Order specified that CHRISTINA ROBERTS, guardian of the minor, Jennifer Roberts, was appointed as the initial Trustee of	Need status update regarding additional funds to be received/deposited into the
	Inventory PTC Not.Cred.	the Trust and that all proceeds of the Trust were to be deposited into a blocked account.	Trust. 2. Need First Account. 3. Need Final Inventory & Appraisal.
	Notice of Hrg	Minute Order from 10/31/12 set this matter for hearing on 12/20/13	
	Aff.Mail Aff.Pub.	regarding the receipt of funds into blocked account and/or filing of the first account. The minute order	
	Sp.Ntc. Pers.Serv.	specified that the Trust estate is waiting on the outcome of the probate	
	Conf. Screen	administration of the estate of Michael Roberts (Jennifer's father) of which Jennifer is a beneficiary and any	
	Duties/Supp Objections	proceeds from the estate are to be deposited into the Special Needs Trust.	
	Video Receipt	Receipt and Acknowledgment of Order for the Deposit of Money into Blocked	
	9202 Order	Account filed 01/28/13. Inventory & Appraisal, partial no. 1 filed	
	Aff. Posting Status Rpt	02/14/13 - \$235,837.56	Reviewed by: JF Reviewed on: 01/21/14
	UCCJEA Citation		Updates: Recommendation:
	FTB Notice		File 5 – Roberts

Marshall, Jared C. (for Richard Phillips – Administrator)

Status Hearing Re: Filing of the First Account and/or Petition for Final Distribution

	DIGUADO DEWAYNE DUNLING (
DOD: 02/14/12	RICHARD DEWAYNE PHILLIPS, father, was	NEEDS/PROBLEMS/COMMENTS:
	appointed Administrator with Full IAEA and without bond on 12/04/12.	
	Minute Order from hearing on 12/04/12	
Coul from	set this matter for status regarding filing	
Cont. from	of the First Account and/or Petition for	
Aff.Sub.Wit.	Final Distribution.	
Verified	Charles Dan and file of 01/14/14 about a constant	
Inventory	Status Report filed 01/14/14 states: On 04/15/13, Petitioner, in his capacity as	
PTC	personal representative of decedent's	
Not.Cred.	estate, filed a complaint against the	
Notice of	County of Fresno and other defendants	
Hrg	in United States District Court, Eastern	
Aff.Mail	District of California, alleging violation of	
	the decedent's civil rights. The lawsuit is based on the fact that decedent was	
Aff.Pub.	murdered while in custody of Fresno	
Sp.Ntc.	County and is ongoing. The complaint	
Pers.Serv.	was filed by Anthony Boskovich, Esq. of	
Conf.	the Law Office of Anthony Boskovich in	
Screen	association with the law firm of Bode &	
Letters	Grenier, LLP. On 06/11/13, the County of Fresno filed a Motion to Dismiss the	
Duties/Supp	lawsuit. On 12/03/13, the Court granted	
Objections	the Motion in part and denied the	
Video	motion in part. On 12/31/13, Petitioner	
Receipt	filed a First Amended Complaint against all defendants, including the	
CI Report	County of Fresno. A trial in the matter	
9202	has been set for 02/24/15 and is	
Order	expected to last approximately 10	
Aff. Posting	days. At this time, there are no assets in the Decedent's estate except for the	Reviewed by: JF
Status Rpt	causes of action currently being	Reviewed on: 01/21/14
UCCJEA	litigated in federal court. Petitioner	Updates:
Citation	requests the Court set a further status conference in April or May of 2014.	Recommendation:
FTB Notice	Controlled in April of May of 2014.	File 6 – Phillips

Poochigian, Mark S (for Administrator Gregory Simonian)
Status Hearing Re: Filing of the Inventory and Appraisal

	Status Hearing Re: Filing of the Inventory	ana Appraisai
DOD: 2/22/2013	GREGORY C. SIMONIAN was appointed	NEEDS/PROBLEMS/COMMENTS:
	as Administrator with Will Annexed, with	
	full IAEA authority and bond set at	1 No. 11
	\$1,423,000.00 on 5/13/13.	1. Need inventory and appraisal or
Cont. from 101813	5/15/10	current written status report
Aff.Sub.Wit.	Letters issued on 5/15/13.	pursuant to Local Rule 7.5 which states in all matters set for status
Verified	Bond in the amount of \$1,423,000.00	hearing verified status reports
Inventory	was filed on 5/29/13.	must be filed no later than 10
PTC	Inventory and Appraisal is now due.	days before the hearing. Status Reports must comply with the
Not.Cred.	inventory and Appraisant flow ade.	applicable code requirements.
Notice of		Notice of the status hearing,
Hrg		together with a copy of the Status
Aff.Mail		Report shall be served on all
Aff.Pub.		necessary parties.
Sp.Ntc.		
Pers.Serv.		
Conf.		
Screen		
Letters		
Duties/Supp		
Objections		
Video		
Receipt		
CI Report		
9202		
Order		
Aff. Posting		Reviewed by: KT
Status Rpt		Reviewed on: 1/22/14
UCCJEA		Updates:
Citation		Recommendation:
FTB Notice		File 7 – Rudy
		7

Garcia, Robert V. (for Michael John Perez – Executor)
Status Hearing Re: Filing of the Inventory and Appraisal

DOD: 3-24-13	MICHAEL JOHN PEREZ was appointed	NEEDS/PROBLEMS/COMMENTS:
	Executor with Full IAEA without bond on	
	5-30-13. Letters issued on 6-4-13.	Continued from 11-1-13
Cont. from 110113	On 5-30-13, the Court set this status	Minute Order 11-1-13: Mr. Garcia is
	hearing for the filing of the Inventory	appearing via CourtCall. The Court is
Aff.Sub.Wit.	and Appraisal.	advised that progress is being made.
Verified		As of 1-22-14, nothing further has
Inventory		been filed.
PTC		been med.
Not.Cred.		1. Need Inventory and Appraisal per
Notice of		Probate Code §8800(b) or written
Hrg		status report pursuant to local
Aff.Mail		rules.
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf.		
Screen		
Letters		
Duties/Supp		
Objections		
Video		
Receipt		
CI Report		
9202		
Order		
Aff. Posting		Reviewed by: skc
Status Rpt		Reviewed on: 1-22-14
UCCJEA		Updates:
Citation		Recommendation:
FTB Notice		File 8 – Perez

Renge, Lawson K. (for Executors Betty Phillips and Rose Lee Little)
Status Hearing Re: Filing of the Inventory and Appraisal

	Status Hearing Re. Filling of the invertiory	1
DOD: 11/26/2012	BETTY PHILLIPS and ROSE LEE LITTLE were	NEEDS/PROBLEMS/COMMENTS:
	appointed Executors with full IAEA and	
	without bond on6/11/2013.	
Cont. from 110813	Letters issued on 6/11/2013.	1. Need final inventory and
		appraisal or current written status
Aff.Sub.Wit.	Inventory and appraisal is now due.	report pursuant to Local Rule 7.5
Verified		which states in all matters set for
Inventory	Minute order dated 6/11/2013 set this	status hearing verified status
PTC	status hearing for the filing of the	reports must be filed no later than
Not.Cred.	inventory and appraisal.	10 days before the hearing. Status
Notice of		Reports must comply with the applicable code requirements.
Hrg		Notice of the status hearing,
Aff.Mail		together with a copy of the Status
		Report shall be served on all
Aff.Pub.		necessary parties.
Sp.Ntc.		meessary parmes.
Pers.Serv.		
Conf.		
Screen		
Letters		
Duties/Supp		
Objections		
Video		
Receipt		
CI Report		
9202		
Order		
Aff. Posting		Reviewed by: KT
Status Rpt		Reviewed on: 1/22/14
UCCJEA		Updates:
Citation		Recommendation:
FTB Notice		File 9 – Kiramidjian

Dornay, Val J. (for Ngoi Nguyen – Conservator of the Person and Estate)
Status Hearing Re: Filing of the Inventory and Appraisal

	Sidios nearing ke. Filing of the inventory	ина Арргина
Age:		NEEDS/PROBLEMS/COMMENTS:
DOD:		
		OFF CALENDAR
		Final Inventory & Appraisal
Cont. from		filed 01/17/14
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of		
Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf.		
Screen		
Letters		
Duties/Supp		
Objections		
Video		
Receipt		
CI Report		
9202		
Order		
Aff. Posting		Reviewed by: JF
Status Rpt		Reviewed on: 01/21/14
UCCJEA		Updates:
Citation		Recommendation:
FTB Notice		File 10 – Nguyen

Watkins, James Ray (Pro Per Executor)
Probate Status Hearing Re: First Accounting or Petition for Final Distributio

DOD: 12-3-11 JAMES RAY WATKINS. Son, was appointed as Executor with Full IAEA without bond on 7-31-12. Cont. from 100413, 122013 Aff.Sub.Wit. Verified Inventory and Appraisal filed 3-19-13 indicated a total estate value of \$60,500.00 consisting of real and personal property. PTC Solve. Pers. Serv. Conf. Screen Letters Dutles/Supp Objections Video Receipt CI Report 9202 Order Aff. Posting Status Rpt UCCJEA Citation FTB Notice Ton. The Court set this status hearing for filing the first account or petition for final distribution. Inventory and Appraisal filed 3-19-13 indicated a total estate value of \$60,500.00 consisting of real and personal property. Notice of Hrg Letters Dutles/Supp Objections Video Receipt CI Report 9202 Order Aff. Posting Status Rpt UCCJEA Citation FTB Notice		Prodate Status Hearing Ke: First Accoun	
without bond on 7-31-12. Conf. from 100413, 122013 Aff.Sub.Wit. Verified Inventory and Appraisal filed 3-19-13 indicated a total estate value of \$60,500.00 consisting of real and personal property. Noti.Cred. Notice of Hrg Aff.Mail Aff.Pub. Sp.Ntc. Pers.Serv. Conf. Screen Letters Duties/Supp Objections Video Receipt CI Report 9202 Order Aff. Posting Status Rpt UCCJEA Citation Cit	DOD: 12-3-11		NEEDS/PROBLEMS/COMMENTS:
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Conf. from 100413, 122013 hearing for filing the first account or petition for final distribution. hearing for filing the first account or petition for final distribution. Inventory and Appraisal filed 3-19-13 indicated a total estate value of \$60,500.00 consisting of real and personal property. Not.Cred. Notice of Hrg			
122013 Detition for final distribution. Detition for final distribution Detition for final distribution. Detition for final distribution Detation for final distrib	Cont. from 100413	·	Petition For Final Distribution filed
Aff. Sub. Wit. Verified Inventory PTC Not. Cred. Notice of Hrg Aff. Mail Aff. Pub. Sp. Ntc. Pers. Serv. Conf. Screen Letters Duties/Supp Objections Video Receipt CI Report 9202 Order Aff. Posting Status Rpt UCCJEA Citation Inventory and Appraisal filed 3-19-13 indicated a total estate value of \$60,500.00 consisting of real and personal property. Aff. Mail Aff. Pub. Sp. Ntc. Pers. Serv. Conf. Screen Letters Duties/Supp Objections Video Receipt CI Report 9202 Order Aff. Posting Status Rpt UCCJEA Citation Reviewed by: skc Reviewed on: 1-22-14 Updates: Recommendation:			1-15-14 is set for hearing on 2-25-14.
Inventory Inventory Inventory Inventory PTC South		permort for find distribution.	
Inventory PTC \$\\$0,500.00 \text{ consisting of real and personal property.}		Inventory and Appraisal filed 3-19-13	
PTC \$60,500.00 consisting of real and personal property.		• • • • • • • • • • • • • • • • • • • •	
Notice of Hrg Aff.Mail Aff.Pub. Sp.Ntc. Pers.Serv. Conf. Screen Letters Duties/Supp Objections Video Receipt CI Report 9202 Order Aff. Posting Status Rpt UCCJEA Citation Personal property.		\$60,500.00 consisting of real and	
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Status Rpt UCCJEA Updates: Citation Recommendation:	Aff. Posting		Reviewed by: skc
UCCJEA Updates: Citation Recommendation:			
			Updates:
FTB Notice File 11 - Watkins	Citation		Recommendation:
	FTB Notice		File 11 - Watkins

Findley, Sandra (Executor, formerly represented by William Irwin, deceased)

Probate Status Hearing Re: Failure to File an Inventory and Appraisal and for Failure to File the First Account or Petition for Final Distribution

DOD: 04/13/01	SANDRA FINDLEY, daughter, was	NEEDS/PROBLEMS/COMMENTS:
	appointed Executor with full IAEA	
	authority and without bond on	 Need Inventory & Appraisal.
	07/08/13. Letters were issued on	
Cont. from	07/08/13.	Need Accounting/Report on Waiver of Account and
Aff.Sub.Wit.	Notice of Status Hearing filed 11/08/13	Petition for Final Distribution.
Verified	set this matter for status regarding	
Inventory	failure to file an Inventory & Appraisal	
PTC	and Failure to File a First Account and Petition for Distribution. Clerk's	
Not.Cred.	Certificate of Mailing indicates that the	
Notice of	Notice of Status Hearing was mailed to	
Hrg	Sandra Findley on 11/08/13.	
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf.		
Screen		
Letters		
Duties/Supp		
Objections		
Video		
Receipt		
CI Report		
9202		
Order		
Aff. Posting		Reviewed by: JF
Status Rpt		Reviewed on: 01/21/14
UCCJEA		Updates:
Citation		Recommendation:
FTB Notice		File 12 – Johnson

Overall, Edna R. (pro per – daughter/Executor)

Probate Status Hearing Re: Failure to File a First Account or Petition for Final Distribution

DOD: 12	2/20/98	EDNA OVERALL, daughter, was	NEEDS/PROBLEMS/COMMENTS:
		appointed as Executor without bond	
		and with full IAEA authority on 09/02/03.	Need Accounting/Report of
		Letters Testamentary were issued on	Executor on Waiver of
Cont. fro	om	9/02/03.	Account and Petition for Final Distribution.
Aff.S	Sub.Wit.	Inventory & Appraisal, final, filed	Distribution.
Veril	fied	10/16/03 - \$93,295.05	
Inve	entory	Notice of Chapter Heaving filed 11/00/12	
PTC		Notice of Status Hearing filed 11/08/13, set this matter for hearing regarding	
Not.	Cred.	failure to file a First Account or Petition	
Notio	ce of	for Final Distribution. Clerk's Certificate	
Hrg		of Mailing indicates that the Notice of	
Aff.۸	Mail	Status Hearing was mailed to Edna	
Aff.P	Pub.	Overall 11/08/13.	
Sp.N			
Pers	.Serv.		
Con			
Scre			
Lette			
	es/Supp		
	ections		
Vide			
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	eport		
9202			
Orde			
	Posting	_	Reviewed by: JF
	us Rpt	4	Reviewed on: 01/22/14
UCC		_	Updates:
Cita		_	Recommendation:
FIR L	Notice		File 13 – Overall

Atty Atty Bagdasarian, Gary G. (for former/removed Administrator Vickie Roe)

Kruthers, Heather H (for Successor Administrator Public Administrator)

Probate Status Hearing Re: Failure to File a First Account or Petition for Final Distribution

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Kruthers, Heather H

Probate Status Hearing Re: Failure to File a First Account or Petition for Final Distribution

NEEDS/PROBLEMS/COMMENTS: OFF CALENDAR. Petition to close the estate is set for 2/19/14. Cont. from Aff. Sub. Wift. Verified Inventory PTC Not.Cred. Notice of Hrg Aff.Mail Aff.Pub. Sp.Ntc. Pers.Serv. Conf. Screen Letters Dutles/Supp Objections Video Receipt CI Report 9202 Order Aff. Posting Status Rpt UCCJEA Citation FTB Notice File 15 - Guerra		Distribution	
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Aff.Sub.Wif. Verified Inventory PTC Nof.Cred. Notice of Hrg Aff.Mail Aff.Pub. Sp.Ntc. Pers.Serv. Conf. Screen Letters Duties/Supp Objections Video Receipt CI Report 9202 Order Aff. Posting Status Rpt UCC.JEA Citation Recommendation:			the estate is set for 2/19/14.
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Status Rpt UCCJEA Updates: Citation Reviewed on: 1/22/14 Updates: Recommendation:			Reviewed by: KT
UCCJEA Updates: Citation Recommendation:			
Citation Recommendation:			

Garza, Peter Jeffery (pro per – father/Guardian of the Estate)

Status Hearing Re: Failure to File Receipt for Blocked Account

[The second of the second	
Age: 17	PETER JEFFERY GARZA, SR., father, was	NEEDS/PROBLEMS/COMMENTS:
	appointed Guardian of the Estate on	, ,, ,, ,, ,, ,, ,, ,, ,, ,, ,, ,, ,,
	11/29/12. The Order specified that all	Need Receipt for the Deposit
	funds received were to be placed into	of Funds into blocked account
	a blocked account. Order to Deposit	<u>or</u> current written status report.
Card frame	Money into Blocked Account was filed	
Cont. from	11/29/12.	
Aff.Sub.Wit.	 	
Verified	Notice of Status Hearing filed 12/20/13	
Inventory	set this matter for a status hearing on 01/24/13 regarding failure to file receipt	
PTC	for blocked account. Clerk's	
Not.Cred.	Certificate of Mailing states that the	
Notice of	Notice of Status Hearing was mailed to	
Hrg	Peter Jeffery Garza, Sr. on 12/20/13.	
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf.		
Screen		
Letters		
Duties/Supp		
Objections		
Video		
Receipt		
CI Report		
9202		
Order		
Aff. Posting		Reviewed by: JF
Status Rpt		Reviewed on: 01/21/14
UCCJEA		Updates:
Citation	_	Recommendation:
FTB Notice		File 16 – Garza